

Rules of

Department of Public Safety

Division 45—Missouri Gaming Commission

Chapter 16—Employee Labor Organizations

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming
Commission
Chapter 16—Employee Labor
Organizations**

11 CSR 45-16.010 Definitions

PURPOSE: This rule defines terms to be used in conjunction with this chapter regarding employee labor organizations.

(1) For the purposes of this chapter, the following terms shall have the following meanings:

(A) "Affiliates" means labor organizations chartered by the same parent body, or governed by the same constitution and bylaws, or labor organizations having the relation of parent and subordinate;

(B) "Certified bargaining representative" means a labor organization which has been certified as the representative of employees under the National Labor Relations Act, as amended;

(C) "Fiduciary to pension or insurance system" means a person is a fiduciary with respect to a pension or insurance system to the extent—

1. S/he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management of disposition of its assets;

2. S/he renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so; or

3. S/he has any discretionary authority or discretionary responsibility in the administration of such plan;

(D) "Gaming employee" means any holder of a Missouri Occupational License Level One (I) or Occupational License Level Two (II) as defined by 11 CSR 45-4.400;

(E) "Insurance system" means any plan, fund or program which is maintained by a labor organization or by a labor organization and an employer, to the extent that such plan, fund or program was established or is maintained for the purposes of providing for its participants, or their beneficiaries, through the purchase of insurance or otherwise, medical surgical, or hospital care or benefits, or benefits in the event of sickness, accident disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or any other

such benefit other than pension on retirement or death, and insurance to provide such pensions;

(F) "International labor organization" means a labor organization which does not conduct business in the state of Missouri, but has a local labor organization that is a subordinate or which it directly or indirectly has the power or right to control;

(G) "Labor organization" means any organization of any kind, any union, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or systems board, or joint council which is subordinate to a national or international labor organization;

(H) "Labor organization personnel" means all employees, agents, or representatives of a labor organization, acting with or without compensation, other than individuals whose sole involvement with a labor organization relates exclusively to benefit programs subject to the Employee Retirement Income Security Act of 1974, who—

1. Adjust grievances, or negotiate or administer a collective bargaining agreement which governs the wages, hours, working conditions, or conditions of employment of any gaming employee;

2. Solicit, collect, or receive any dues, assessments, levies, fines, contributions, or other charges within this state for or on behalf of the organization from any gaming employee;

3. Act as officers, members of the governing body (except where the labor organization is functioning as a committee of the whole), business agents, or in any other policy-making or supervisory position in a labor organization involved in any way in the organization or representation of Missouri gaming employees; or

4. For compensation advise, represent, or provide other assistance to a labor organization concerning Missouri gaming employees with respect to those activities listed in paragraphs (1)(H)1. through 3. of this rule, other than as an attorney or accountant;

(I) "Labor organization officer" or "officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary/treasurer or other executive functions of a labor organization, and any member of its executive board or similar governing body;

(J) "Labor organization principal employee" or "principal employee" means any employee of a labor organization who, by reason of remuneration or of a management, supervisory or policy making position exercises any authority, discretion or influence with regard to any matter relating to employees licensed under the Act and employed by a casino hotel or casino licensee. For purposes of these regulations, any employee, other than one performing exclusively clerical or custodial services, whose functions relate to employees licensed under the Act and employed by a casino hotel or casino licensee shall be included unless the contrary clearly appears from information supplied to the commission;

(K) "List" means the document filed with the commission by a labor organization including the names and information required under 11 CSR 45-16.020 relating to that organization's labor organization personnel;

(L) "Local labor organization" means a labor organization which conducts any business in the state of Missouri, whether it is affiliated with an international labor organization or not;

(M) "Officers and agents of pension or insurance systems" means all elected officials and key administrative personnel, whether elected or appointed, including administrators, trustees, and all other fiduciaries to the system;

(N) "Pension or insurance system maintained by a labor organization" means any pension or insurance system created or established by a labor organization or one (1) or more of the trustees or one (1) or more members of the governing body of which is selected or appointed by the labor organization; and

(O) "Pension system" means any plan, fund or program which is maintained by a labor organization, or by a labor organization and an employer, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund or program provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

**Original authority 1991, amended 1992, 1993, 1994.*

11 CSR 45-16.020 Registration Required

PURPOSE: *This rule identifies the organizations and persons required to register with the commission under the provisions of this chapter.*

(1) Each labor organization, union or affiliate representing or seeking to represent employees licensed under the Act and employed by a casino hotel or a casino licensee shall register with the commission annually in accordance with the provisions of this chapter.

AUTHORITY: *section 313.805, RSMo 1994. *Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

**Original authority 1991, amended 1992, 1993, 1994.*

11 CSR 45-16.030 Registration Exemption

PURPOSE: *This rule allows the commission to exempt certain persons or entities from the requirements of this chapter.*

(1) The commission may, in its discretion, exempt any labor organization, union, or affiliate from the registration requirements of 11 CSR, Chapter 16, et seq. where the commission finds that such labor organization, union or affiliate—

(A) Is not the certified bargaining representative of any employee licensed under this Act and employed by a casino hotel or casino licensee; and

(B) Is neither involved nor seeking to be involved actively, directly or substantially in the control or direction of the representation of any such employee.

AUTHORITY: *section 313.805, RSMo 1994. *Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

**Original authority 1991, amended 1992, 1993, 1994.*

11 CSR 45-16.040 Information Required of Local Labor Organization

PURPOSE: *This rule sets forth the specific information that is required to be submitted to the commission by local labor organizations.*

(1) Each local labor organization for which any labor organization personnel are involved

in any of the functions set forth in 11 CSR 45-16.010(1)(A), shall provide the following information on its list filed with the commission:

(A) Name and address of the labor organization;

(B) Name and address of any international labor organization with which it directly or indirectly maintains an affiliation or relationship;

(C) The names of any pension and insurance systems maintained by the registrant and all officers, agents and fiduciaries of such systems;

(D) With respect to all local labor organization personnel:

1. Full name, including any known aliases or nicknames;

2. Title or other designation in the labor organization;

3. A brief description of the duties and activities of each individual;

4. The business address and telephone number of each individual; and

5. Annual compensation including salary, allowances, and other direct or indirect disbursements (including reimbursed expenses);

(E) With respect to international labor organization personnel, those individuals who perform or who have performed any of the functions set forth in 11 CSR 45-16.010(1)(H) or (J) with respect to Missouri gaming employees within the twelve (12) months immediately prior to filing the list—

1. Full name, including any known aliases or nicknames;

2. Title or other designation in the labor organization;

3. A brief description of the duties and activities performed by each individual for, or with respect to, the local organization; and

4. The business address and telephone number of each individual;

(F) A written certification under oath, signed by the local labor organization president and secretary-treasurer, and chief official of the local labor organization if his/her title is other than president or secretary-treasurer, that the information contained on the list is complete and accurate; and

(G) Within ten (10) days of filing or revising its list with the commission, the local labor organization shall notify in writing each of the labor organization personnel, international or local, that have been listed or added, respectively, except for those who are exempt from the reporting requirements by 11 CSR 45-16.030, advise them of this chapter, and file with the commission written proof of service of the notification.

AUTHORITY: *section 313.805, RSMo 1994. *Emergency rule filed Oct. 29, 1993, effective*

Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.

**Original authority 1991, amended 1992, 1993, 1994.*

11 CSR 45-16.050 Information Required of Listed Labor Organization Personnel

PURPOSE: *This rule sets forth the specific information that is required to be provided to the commission by personnel listed by a labor organization.*

(1) Subject to the provisions of 11 CSR 45-16.030, and any requirements under law that certain information received will be treated confidentially, all listed labor organization personnel, whether local or international, shall provide the following information to the commission, in writing, ninety (90) days after notification by the labor organization of being listed:

(A) Full name, including any known aliases or nicknames;

(B) Business address and telephone number;

(C) Home address and telephone number;

(D) Date and place of birth;

(E) Social Security number;

(F) Title;

(G) Date of hire by the local or international labor organization, or date of first consultation or advice;

(H) A detailed description of his/her—

1. Labor organization activities;

2. Prior performance of the same or similar functions on behalf of a labor organization; and

3. Previous employment or occupational history;

(I) Excluding minor traffic offenses, a detailed description of the following areas of criminal conduct, if any, whether the crime involved is denominated a felony or misdemeanor—

1. Any convictions;

2. Any criminal offenses for which s/he received a pardon; and

3. Any criminal offenses for which the record was expunged or sealed by court order;

(J) Whether s/he has ever been denied a business, liquor, gaming, or professional license, or has had such license revoked;

(K) Whether s/he has ever been found by any court or government agency to be unsuitable to be affiliated with a labor organization and, if so, all details relating thereto;

(L) A complete set of fingerprints;

(M) A photograph taken within the last sixty (60) days; and

(N) Such other information or documents as the commission may require.

(2) Labor organization personnel who have been listed, and who have provided the commission the information required by section 11 CSR 45-16.050(1), need not thereafter provide such information to the commission after notification of inclusion on any subsequent list unless the previously provided information has changed in any respect. In the event such previously provided information has changed in any respect, such labor organization personnel shall provide the commission with written notice of such changes within sixty (60) days after notification by the labor organization of being included on any subsequent list.

(3) The failure of any listed labor organization personnel to file with the commission the information required by this chapter within the time period specified in sections 11 CSR 45-16.050(1) and (2), may be grounds for the commission to impose any appropriate penalty, including but not limited to exclusion from the boat of the individual.

AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

**Original authority 1991, amended 1992, 1993, 1994.*

11 CSR 45-16.060 Commission May Require Certain Persons to Provide Information

PURPOSE: This rule allows the commission the discretion to require certain persons to comply with the provisions of this chapter.

(1) Notwithstanding any other provision in this chapter, or exemption contained therein, the commission may determine at any time that the public interest requires that any individual who has a material relationship to, or material involvement with, a labor organization should file the information required by 11 CSR 45-16.050. Such information shall be filed within thirty (30) days of such finding by the commission. A person may be deemed to have a material relationship to, or material involvement with, a labor organization if s/he, with or without compensation, as an agent, consultant, advisor or otherwise, exercises a significant influence upon the management or affairs of a labor organization concerning one (1) or more of the functions

set forth in 11 CSR 45-16.010(1)(H) with respect to Missouri gaming employees. Any person required to file pursuant to this regulation shall thereafter be subject to the provisions of this chapter.

AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

**Original authority 1991, amended 1992, 1993, 1994.*

11 CSR 45-16.070 Required Revisions of List

PURPOSE: This rule establishes when revisions to the list must be filed.

(1) All information required by 11 CSR 45-16.040 shall be initially filed within thirty (30) days of the start of organizing of employees of a holder of or applicant for a Class A license, and shall thereafter be submitted to the commission annually, on or before the fifteenth of January.

(2) Any changes, additions, or deletions to any information contained in the list which occur subsequent to the filing of the list and prior to the filing of the list for the next calendar year shall be reported to the commission in writing no less than ten (10) days after the end of the calendar quarter during which the change, addition, or deletion occurred unless the change occurs in the fourth calendar quarter, in which event the change must be included in the next annual filing.

AUTHORITY: section 313.805, RSMo 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority 1991, amended 1993, 1994.*

11 CSR 45-16.080 Interest in Class A Licensee Prohibited

PURPOSE: This rule prohibits labor organizations and their personnel from owning an interest in the gaming licensee whose employees they represent.

(1) Neither a labor organization, union or affiliate nor its officers, and agents not otherwise individually licensed under sections 313.800 to 313.850, RSMo, may hold any financial interest whatsoever in the Class A licensee whose employees they represent.

AUTHORITY: section 313.805, RSMo 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority 1991, amended 1993, 1994.*

11 CSR 45-16.090 Failure to Comply—Consequences

PURPOSE: This rule establishes the consequences for failure to comply with the provisions of this chapter.

(1) No labor organization, union or affiliate required to register with the commission shall receive any dues from or on behalf of or administer any pension or insurance funds from or on behalf of any gaming employee—

(A) If the said labor organization, union or affiliate shall fail to properly register with the commission or provide all information requested by the commission in accordance with the provisions of sections 313.800 to 313.850, RSMo, or the regulations of the commission;

(B) If any officer, agent or principal employee of such labor organization, union or affiliate shall fail to qualify in accordance with the provisions of sections 313.800 to 313.850, RSMo, or the regulations of the commission; or

(C) If the said labor organization, union, affiliate or any officer or agent thereof shall hold a prohibited interest in a Class A licensee.

(2) Nothing herein shall be construed to limit the right of the commission to impose any sanctions or take any action authorized by sections 313.800 to 313.850, RSMo.

AUTHORITY: section 313.805, RSMo 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority 1991, amended 1993, 1994.*